

Remarks

Claim 53 has been amended.

Claims 1 – 10, 12-15, and 42-81 are pending.

The Office Action objected to Claim 53 for depending from itself. This typographical error has been corrected as suggested. As amended Claim 53 depends from Claim 52.


The Office Action rejected claims 42, 44-45, 52-54, 56-57, 64-66, 68-71, and 78-80 under the judicially created doctrine of obviousness-type double patenting over claims 1-4 of Patent No. 6,644,794. The Office Action further states that a timely filed terminal disclaimer may be submitted to overcome the rejection, thereby rendering claims 42-81 allowable.

The undersigned will consider filing a terminal disclaimer, however, it is clear that the Office Action failed to address all of the pending claims. As such, filing the terminal disclaimer at this time seems premature in that several of the pending claims were not examined and may also need to be the subject of a terminal disclaimer. Specifically, claims 1 – 10, and 12-15 were apparently not considered during the earlier examination. It is therefore respectfully submitted that all of the pending claims be reconsidered and should a terminal disclaimer be deemed appropriate, then one will be filed in a subsequent response.

Respectfully submitted,

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